File No. 276

1885.

Collection No. 1

1116 97
1/1

Imperial Residency

16-1-'14.

Pros. / Serial Nos. 118

56

Subject.

Temporary closure of military roads notified in order to prevent establishment of a public right of way over such roads.

Previous References.	Later References.

97. (Blue.)

[PC—FP—725DCR—S&P—(G-1576)—14-3-28—60,000.

Margin for binding, not to be written on.

Notes-continued

-81.118

(6)

Letter no. 147/180/E dated the 18th June 1924, from the Staff Captain, Bangalore Brigade Area.

Please see p.u-c.

Certain military roads are notified to be closed on certain dates from 6 A.M. to 6 P.M. It is not known why they are closed and under what authority.

vide notes on -81.52 at Flag K.

These roads originally belonged to the Military Dept but were transferred to the Municipal

-81.68/a

Commission under sanction of the Govt of India on certain conditions. Condition (d) of those conditions reserves to the Officer Commanding the Station the right of closing temporarily any road crossing the General Parade ground whenever he may consider this necessary for parade purposes. But

S. 2—E.P.B.—12-1922—10,000.

most of the roads referred to in the notice do not cross the General Parade ground.

Submitted

PMC
16/6

It is not known whether anything (7)
else if so what, has given rise to
this notice of the Bangalore Brigade.
It has already appeared in the Daily
Post of 14th June and a copy has gone to the
President Municipal Commission
Perhaps the President may be
asked do with reference to previous
correspondence or may l.u.c. be
filed unless & until the P.M.C.
writes about it.?

16/6 The object is to (2)
enforce the military
right of way." It is
probably quite unnecessary,
but I don't think the
Residency need take any
notice, if the public
acquiesce

Resdt. N.W. 19-6. 17/6/24

Margin for binding not to be written on.

Notes-continued

Margin for binding not to be written on.

Letter No. GC. 30/93-19, dated the 9th Dec 24,
from the President, M.C.
Please see SR. 120 and 121.
The GR. Commandt. may be addressed.
Draft submd.
CRO 11/12/24. 11/12
Issued no. 9935 dt 13.12.24

Letter No. 139.1/7/R-1, dated the 19th Dec. 24,
from the Staff Captain, Bilon Brigade Area.
Please see SR. 121 and the letters as flags T
on.
Draft submd.
CRO 20/12/24. 20/12
Issued no. 10233 dt 23.12.24.

SR. 123

(15)

The papers regarding the recent closure of the military roads in the C & M Station are submitted as requested. Please see paras 6 - 8 of note sheet of SR. 118. It will be seen that Mr. Watson is opposed

Notes-*continued*.

Margin for binding not to be written on.

in the Closure & the P.M.C. did not protest. I am afraid the matter was not very closely considered at the time & the possible consequences not realized. If the result were to be that the Military consider they have control over the roads even to the extent of interfering with the Civil Police in their duties, the matter assumes an aspect of public importance & the sooner any such idea is rifled in the bud, the better. I have now gone fully into the old papers & I submit-

Notes-*continued*.

Margin for binding not to be written on.

for approval a draft which is self-explanatory, & has the references marked of important papers.

Yrs dly

N Chamberlain

14/1/28

Margin for binding not to be written on.

_____ DEPARTMENT. File No.

_____ BRANCH. Serial No.

Draft ~~Memorandum~~ Letter / Telegram

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(17)

(Code word for telegrams.)

Class for Telegrams ORDINARY. / EXPRESS.

No. 366 E.C.1 Dated 16th Jan 1925

D/O.

To

Colonel Commandant H.W. Jackson,
C.S.I., D.S.O.

Bangalore Brigade Area.

My dear Colonel

Mr. Barton has only recently had brought to his notice the closure, by the Military authorities, of the road which are classed as military roads in the C & M Station, on certain dates in June and July last, during his absence on leave. This course of action is unprecedented, so far as can be ascertained, in the history of the Station and although the acting Resident and the then President of the Municipal Commission acquiesced in it at the time, Mr. Barton is not satisfied that they were right in doing so.

It may be convenient to refer briefly to the past history of these roads. Our records show, that so far back as 1874, it was proposed to hand over the military roads to the Municipality, but nothing was then done. A similar proposal was made in 1879, but it was not until the 1st April 1885

S. 5.

SGPI—S27—165DCFS—19-11-23—4,00,000.

S. 4.—R. P. B—10-1916.—10,000

(Continuation of Draft.)

that on the Military Authorities' own motion, and with the approval of the Commander-in-Chief, the military roads, consisting of a length of 21 miles, were handed over to the Municipality. It seems, however, that the transfer was more in the nature of a mutual understanding than a definite agreement, and in 1906 in order to end what was then described as the "doubtful and anomalous state of these roads" the G.O.C. Bangalore Brigade, addressed the 9th Division and stated that while he considered there was an incontrovertible case for the ownership of the roads, having always in fact vested in the Military Department, he was prepared to waive the ownership of certain conditions, which he saw no objection, to both ownership and control of these roads being recognised as vesting in the Municipality. After some correspondence a proposal was submitted in October 1906 to the Government of India for the transfer, on certain conditions, of the military roads to the Municipality. The Government of India replied in February 1907 that the proposal in its present form did not commend itself to them for certain reasons and inter alia wished to know whether these roads "were in the exclusive possession of the Military Authorities for military purposes at the time of the passing of the Bangalore

S. 4.—R. P. B—10-1916.—10,000

(Continuation of Draft.)

Municipal Law", i.e. 1897. A Special Committee consisting of a Military Officer and the President of the Municipal Commission was convened to report on this question, and in June 1907 they submitted the following report:- " The Committee having been directed to reassemble for the purpose of reporting what roads in the C & M Station are at the present time "in the exclusive possession of the Military Authorities for military purposes" hereby record their opinion that there are no roads coloured on the plan attached, or referred to in the schedule, which come within that description, nor have they any reason to suppose that there were any such roads at the time of the passing of the Bangalore Municipal Act. An amended proposal was then submitted to the Government of India for the transfer of the roads to the Municipality, which was accepted in their letter No. 187-M.W. dated Fort William the 17th January 1908, a copy of which I enclose for ready reference. So far as the Resident is aware these orders hold good to the present day.

2. It will be seen that condition "D" of the transfer defines the right of the Officer Commanding the Station to close military roads, and limits it to the power of closing temporarily any road crossing the

S. 4.—R. P. B.—10-1916.—10,000

(Continuation of Draft.)

general Parade Ground, whenever he may consider this necessary for parade purposes. In the light of this letter, and in particular of this condition, it seems to Mr. Barton that the action of the Military Authorities in closing the military roads in June and July last was ultra vires, and as the issue is one of some importance, he would be glad to have your views on the subject, and to be informed of the reasons for which it was thought necessary to close the roads, and the authority under which this was done.

Final reply at para (25) infra.

632
24-1-25.
276/85

Headquarters Bangalore Brigade Area.
Bangalore, 23rd January, 1925.

Dear Cole

Your D.O., letter No:366 - Encl 1, dated the 16th January, 1925.

It is ordained in the United Kingdom that roads or paths vested in the War Office shall be closed once yearly in order to prevent the establishment of a public right of way over such roads or paths. I cannot say why this is done, but it is conceivable that the War Office desires to retain the right of closing or diverting such roads, at its discretion.

It appears that my locum tenens, during my absence on leave, was in doubt as to whether a similar procedure should be followed in India, and made enquiries from the Collector and the Resident. Neither of them could say whether it was necessary or legally permissible to do so, and it was mutually agreed that the formality should be observed, without prejudice to any subsequent legal or proprietary rights which might arise later. In other words, not being sure of the real situation in regard to these roads, the Area Commander did not wish to compromise any military right or title by failing to observe this formality. He therefore, with the concurrence of the Resident and the President of the Municipal Commission, went through the formality of closing certain roads.

It appears quite clear from your letter that the roads specified in a certain plan and schedule, (of which I have no copies), were definitely transferred to the Municipality. I shall be grateful if you will kindly lend me copies of the plan and Schedule, and of the Deeds of Transfer to which you refer in your letter. There are several side issues involved in the matter which need investigation, and it would be useful, I think if we considered the matter more fully.

fully.

As an example of the cases that may arise over ownership of roads, I can quote a case which occurred in the Quetta Cantonment. A gentleman driving his motor car over a road which was in a bad state of repair, broke an axle of his car. The Insurance Company brought a claim against the Cantonment Authorities, and won their case.

Further, it is possible that we shall move the Pioneer Battalion from Baderhalli Lines to the Nilsandra and Kut sites, so as to have the Pioneer Battalions together. This may entail closing certain unmettalled roads which have long been used by the public as short cuts between Langford Town and the area south of the Royal Artillery and British Cavalry Lines. I shall be glad to discuss these points with you at any date convenient to you.

Yours sincerely

H.D. Jackson

A.N.L. Cater Esquire, I.C.S.
Secretary to the Hon'ble Resident in Mysore,
BANGALORE.

Notes-*continued*.

[redacted] for binding not to be written on.

D.O. letter, dated the 23rd Jan 25, from the Col. Commdt., Bangalore Brigade Area.

(11)

Please see the letter at para 17 of office notes.

The maps rc were returned by the A. G. to the Director-General, Military Works, on the 17th January 1908.

5.68A

The list of the Military roads which was received from the A.C.R.E. is at S.E. 69/6.

There is no deed of transfer.

If approved, a copy of the list at S. 69/6 may be sent to the Col. Commandant who may at the same time be informed that there are one plan and deed of transfer in this office.

The Col. Commdt says that he will be glad to discuss the points with the Secretary at any date convenient to the latter.

C.S.B. 27/1/25. 28/1

(2)

Col: Jackson's letter is for information. I have already mentioned it verbally. The distinction between the War office roads referred to & the Military roads here is so obvious that

S. 2—H.P.D.—8 1923—10,000.

Notes-*continued*.

[redacted] for binding not to be written on.

It is surprising Col: Jackson quotes the Journal in support of the military action line.

Before writing Main I had letter read- Col: Jackson & discuss matter with him - as he suggests.

Rec'd

30/1

29/1/25

3d

Draft submitted

C.R.B. 30/1/25 AS 30/1

PTO

D.O.No. 952

THE RESIDENCY,

Bangalore.

2nd February 1925.

Military roads in the Civil & Military Station of Bangalore.

(21)

My dear Colonel,

Your letter dated the 23rd January 1925.

I shall be glad to meet you and discuss matters on any day convenient to you either in your office or in mine. I am going down to Lysore on Wednesday, probably till Saturday.

Yours truly

S A Hill Cater.

Colonel Commandant H. W. Jackson, C.S.I., D.S.O.,

Bangalore Brigade Area.

BJ

Notes-*continued*.

Margin for binding not to be written on.

(27)

I had a conversation with Colonel Jackson a few days ago, and he had really nothing much to say, and I think he realises in his heart that he has not a leg to stand on in this matter. All he would say was that it was desired to emphasise the fact that the C & M Station exists first and foremost for the benefit of the military. This, I told him, no one wishes to deny, least of all the Residency, which has lately been particularly active in recognising the claims of the military to preferential treatment over the civil population where the interests of the two clash.

If approved, a brief reply may be sent to Colonel Jackson to the effect that the Resident does not ~~admit~~ agree that any parallel can be drawn between roads vested in the War Office in England and the so-called military roads in Bangalore. Since in the former case the military authorities no doubt retain control over the roads, and only permit the public to use them on sufferance, whereas in the C & M Station the military roads have been definitely transferred to the Municipality, who exercise full control over them. It may be pointed out that no enquiries were made from the Resident by Colonel Jackson's locum tenens, but all that happened was that a notice was received from the Brigade Office that the roads would be closed on a certain day. Had Mr. Barton been in Bangalore at the time he would certainly have contested the right of the Military authorities to take this action.

Resdt

Matter 10/2/25

Many thanks. As suggested

111

S. 2—H.P.B.—8.1923—10,000.

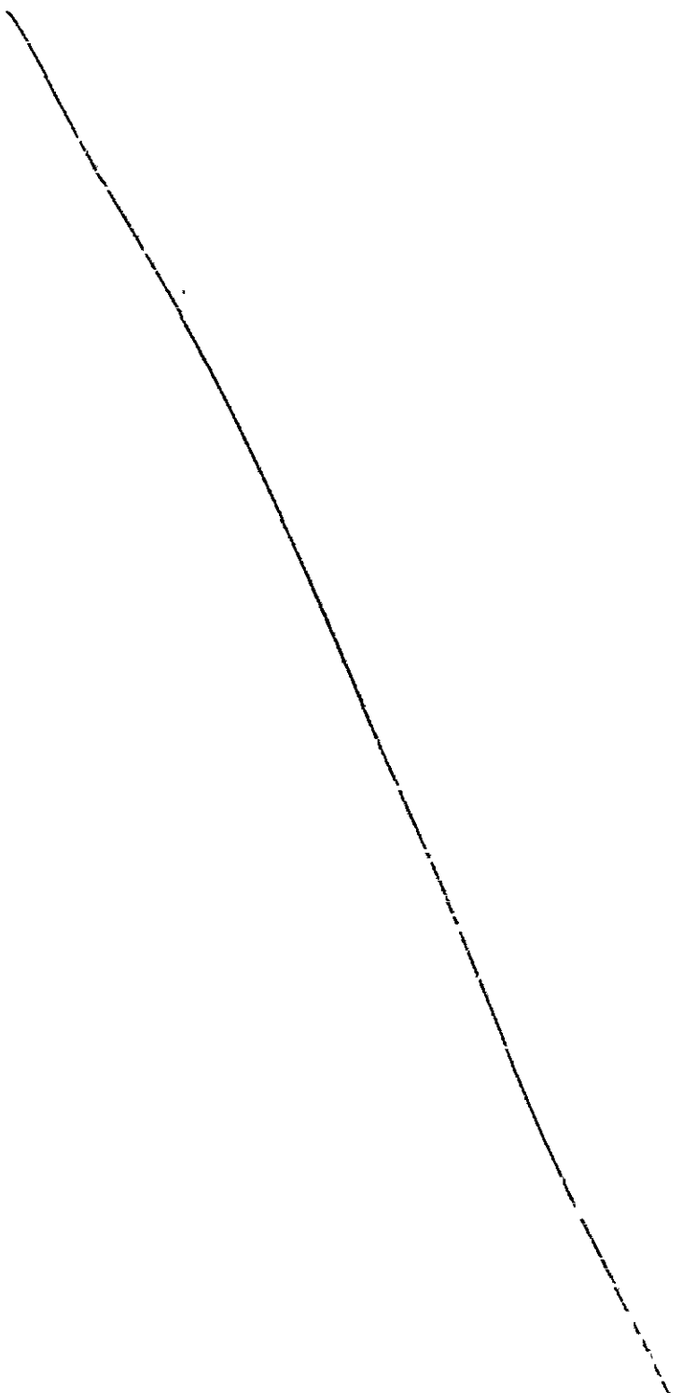
(2) Please see the foregoing para of opinion notes overleaf.

Draft submitted.

CAB. 11/2/25. VKS 11/2. ICR 12.2.25.

P. I.

Received in 13'35 by 16.2.25



D.O.No. 1335

THE MYSORE RESIDENCY,
BANGALORE, 16th February 1925.

MILITARY ROADS IN THE CIVIL & MILITARY STATION OF BANGALORE.

(24)

My dear Colonel,

In reply to your letter, dated the 23rd January 1925, I am desired to say that the Resident does not agree that any parallel can be drawn between the roads vested in the War Office in England and the so-called military roads in the Civil & Military Station of Bangalore. In the former case the military authorities no doubt retain control over the roads, and only permit the public to use them on sufferance, whereas in the Civil & Military Station the military roads have been definitely transferred to the Municipality who exercise full control over them. It may also be pointed out that the Resident was not approached beforehand in the matter; the only intimation received being a Notice from the Brigade Office that the roads would be closed on a certain day. Had Mr. Barton been in Bangalore at the time he would certainly have contested the right of the Military authorities to take this action.

Yours sincerely,
Sd/ K. Evans Gordon

Colonel Commandant H. W. Jackson, C.S.I., D.S.O.,
Bangalore Brigade Area.

HEADQUARTERS, BANGALORE BRIGADE AREA,

D.O. Bangalore. 20th Feby 1925.

Dear Evans Gordon,

Your D.O. No 1335 dated 16th Feby :-

I agree that the closing of the so called "Military" roads last year by the Area Commander was ultra vires; and also, from the correspondence available, I consider it was quite unnecessary. I cannot trace the reasons why this was done, but can only surmise that the then Area Commander, who was apparently unaware of the arrangement concluded by the G of S letter dated 17 Jany 1908, considered it advisable to go through with the formality rather than incur the responsibility of having allowed some vested interest of the Army Deptt. to

Para 2 Q

84-65/Hby

lapse by his default.

Yours Sincerely

H. Anderson

22-2-25

RESIDENT'S OFFICE
BANGALORE
Register No. 1527
Date of Receipt 23-2-25
Pol. No. 276/85

Notes *continued*.

...n for ...ding not to be ...tten on.

(1)

Please see the letter at para 24 of opposite notes overleaf.
The P.U.S. may be glad.

CAB. 23/2/25 & VS 23/2

Result: Defended. 23.2.25

26/2/25

26/2/25

[illegible] [illegible]

To

The Manager, S.N. 118

The Bangalore Daily Post.

Sir,

Kindly insert the attached notice in a prominent position in the Daily Post on the 14th, 17th, and 20th June 1924.

It would also be useful if you will kindly comment on the order in your local notes, pointing out that the public must stop when called upon to do so. This is necessary for the Military authorities to enforce the "right of way".

Yours faithfully.

Captain.
Staff Captain.
Bangalore Brigade Area.

Copy to.- The Secretary, to the Hon'Ble The Resident in Mysore.

The President, Municipal Commission, C & M Station.

With compliments.

Copy to.- The District Supt. of Police, C & M Station.
For information.

MILITARY LANDS BANGALORE BRIGADE AREA.

The following Military Roads in the Civil and Military Station of Bangalore will be closed by the Brigade Area Authorities on the dates shewn against them from 6 a.m. in the morning till 6 p.m. in the evening for all traffic.

Permission will be accorded by the Military Police on duty for all traffic, vehicular or pedestrian, to proceed, on request being made to them.

25TH JUNE, 1924.

South Parade Road from TRINITY CHURCH to WESLEYAN CHURCH
East Parade.
Queen's Road.
Cubbon Road from the RESIDENCY to EAST PARADE.
St. Marks Road from SOUTH PARADE to CUBBON ROAD
Brigade Road from SOUTH PARADE to CUBBON ROAD.

26TH JUNE, 1924.

The Military Roads at High Ground.

27TH JUNE, 1924.

Brigade Road from South Parade Junction to Cossbon Road Cemetery

30TH JUNE, 1924.

St. John's Road.
St. John's Church Road.
Miller's Road from Railway Crossing at Benson Town to Tumkur Road - Railway Road junction.

1ST JULY, 1924.

Main Guard Cross Road.
Railway Road.

2nd JULY, 1924.

The Road from Trinity Church to Cornwallis Barracks, and the Circular Road (Old Race Course Road). Afrom.
Victoria Road.
Wilcandra Road.

3RD JULY, 1924.

Museum Road.

5TH JULY, 1924.

Dickenson Road.
Fensington Road.
Enorpet Road.

NOTE :- The above order does not apply to Officers, Warrant Officers, N.C.O's and men of the British and Indian Army in uniform, or to Civil Police Officers and men in uniform.

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